

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**KENNETH HINES and
TERESA HINES**
Plaintiffs,

v.

**FERGUSON TRUCKING and
WARREN ERNEST JONES,**
Defendants.

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NO. 2:15-CV-00280

JOINT MOTION TO DISMISS WITH PREJUDICE

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs Kenneth Hines and Teresa Hines and Defendants Ferguson, Inc., improperly named as “Ferguson Trucking,” and Warren Earnest Jones hereby move to dismiss with prejudice to the refiling of same all claims and causes of action asserted or could have been asserted by Plaintiffs against Defendants in this action. In support of their Joint Motion, Plaintiffs and Defendants show the Court as follows:

1. Plaintiffs and Defendants have reached an agreement on all of Plaintiffs’ claims, and Plaintiffs no longer desire to proceed with any claims against Defendants.

2. Plaintiffs request that all claims asserted or which could have been asserted against Defendants by Plaintiffs in this action be dismissed with prejudice, and an order entered granting this Joint Motion terminating this action and dismissing with prejudice all claims and causes of action against Defendants.

4. Plaintiffs’ claims against Defendants are not class-action claims governed by Rule 23 of the Federal Rules of Civil Procedure, derivative claims governed by Rule

23.1 of the Federal Rules of Civil Procedure, or claims related to an unincorporated association governed by Rule 23.2 of the Federal Rules of Civil Procedure.

5. A receiver has not been appointed in this action.

7. Plaintiffs have not previously dismissed any federal- or state-court suit based on or including the same claims as those presented in this case.

8. Plaintiffs and Defendants have agreed to bear their own costs.

WHEREFORE, Plaintiffs Kenneth Hines and Teresa Hines and Defendants Ferguson, Inc. and Warren Earnest Jones respectfully request that the Court grant this Joint Motion to Dismiss with Prejudice and enter an Order dismissing with prejudice to the refiling of same all claims and causes of action asserted or which could have been asserted by Plaintiffs against Defendants in this action.

Respectfully Submitted,

/s/ Bill Zook

Bill Zook

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Lead Counsel for Defendants

Ferguson Inc. and Warren Ernest Jones

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been served on
Plaintiffs' counsel of record through the Court's CM/ECF system on August 19, 2016:

Bill Zook
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/s/ Patrick Madden

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